

U.S. DISTRICT COURT
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MEMO ENDORSED

Ekaterina Schoenefeld
3371 US Highway 1, Suite 105
Lawrenceville, NJ 08648
Tel: (609) 750-0330
Fax: (609) 750-0331

August 17, 2008

RECEIVED IN CHAMBERS
OF NAOMI REICE BUCHWALD
AUG 18 2008
UNITED STATES DISTRICT COURT

VIA FAXSIMILE
&
REGULAR MAIL

Honorable Naomi R. Buchwald, U.S.D.J.
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Schoenefeld v. State of New York, et al.
Civil Action No.: 08-cv-3269

Dear Judge Buchwald:

I am a *pro se* plaintiff in this matter. By letter dated July 16, 2008, defendant's counsel requested a pre-motion conference for a motion to dismiss on multiple grounds. On July 25, 2008, defendant's counsel and I had a telephone conversation with Chambers, during which the defendant's anticipated motion to dismiss was discussed. During that call, we were advised that procedural arguments – such as improper venue and transfer under § 1404(a) – should be disposed of prior to any substantive arguments.

By letter dated July 31, 2008, the defendant's counsel outlined their arguments in support of the anticipated motion to dismiss the plaintiff's complaint on the ground that the Southern District of New York was not a proper venue or, alternatively, to transfer this case to the Northern District of New York under 28 U.S.C. § 1404(a). Having considered the defendant's arguments as well as the underlying case law, I declined to consent to transfer the case and was directed by Chambers to work with the defendant's counsel on a briefing schedule for the defendant's motion to dismiss on two procedural issues mentioned above.

As a result of our discussion, the following briefing schedule is proposed:

- September 29, 2008 – defendant's motion papers are due;
- October 29, 2008 – plaintiff's opposition papers are due;
- November 5, 2008 – defendant's reply papers are due.

Thank you for Your Honor's attention and consideration.

Respectfully yours,

Ekaterina Schoenefeld
Ekaterina Schoenefeld

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Summed,
8/18/08

ES/hs

cc: Kate Burson, Assistant Attorney General (via facsimile & regular mail)